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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1996]

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate, the Chad League of Human Rights (LTDH) are still deeply concerned about the situation in Chad in which serious massive and systematic abuse of human rights persists.

The context

2. While Chad committed itself to a process of democratization beginning in 1981, it remains one of the last countries in the French-speaking region which has still not had free and open elections. The resolutions adopted by the sovereign national Conference in N'djamena from January to April 1993 and especially those contained in chapter V relating to human rights have almost all become dead letters (of the 41 chapter V letters requiring action, only five have been totally or partly carried out). The transition period, which should have been concluded in April 1994, has already been extended twice by the transitional Upper Council and should normally end in April 1996.

However, important threats are implicit in the votes which should take place during 1996. In fact, the Round Table which, in the month of January 1996, brought together the Government and politico-military movements at Franceville (Gabon) did not inaugurate the expected global peace accord and the problem of insecurity remains unresolved.

Right to life and to freedom from bodily harm

3. Although Chad has ratified the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, they have not yet been incorporated into the judicial system of Chad, and the fundamental rights of individuals are not respected. Throughout 1996, the LTDH has recorded hundreds of cases of infringement of inalienable human rights. Violations of human rights are attributable, in the great majority of cases, to units of the security forces (Rapid Intervention Force, National Chad Army) and to a lesser extent to politico-military movements operating in certain regions. The situation has deteriorated especially in the two Logones (in the south of the country), Ouaddai (east) and the Lake Chad region (west), where civilian populations are caught up as hostages in the confrontations between government forces and the armed opposition movements.

4. The ruling power has instigated a real reign of terror and does not hesitate to make a pretext of a struggle against armed rebellion to justify the worst exactions. Oppression is imposed according to now well-established patterns and has continued to get worse throughout 1995. Innumerable arrests, often accompanied by gratuitous acts of violence and humiliation, are performed beyond the law. Summary and extrajudicial executions have become commonplace and create a feeling of acute insecurity in the population.

5. Cases of torture reach pinnacles of horror, and quite usually bring about the death of the victims: aside from the technique known as "abatachar" (a practice which consists of tying the two arms to the two feet behind the back, so as to make the chest bulge forward, causing a stoppage of blood circulation, often leading to paralysis of the limbs), lashing and various other body injuries. LTDH has recorded several cases of victims who had had nails driven into their heads. Thus, on 28 July 1996 at Koubaou-Kol, government forces drove a nail into Mr Ngonndilem's head. Likewise, on 4 August 1995, François Mbaiwala was executed between Lolo and Kagroye, after soldiers had driven several iron nails into his head. Moreover, cases of individual or gang rapes of women and even young girls have multiplied alarmingly, notably in the two Logone regions, where LTDH has been able to identify 44 victims of rape, of whom 11 were minors, just for the period July to September 1995.

Assault on freedoms of meeting and association

6. Antoine Bangui, leader of the Movement for National Recovery in Chad (MORENAT), and several people who were with him were severely beaten up by members of the regular army. On 11 September 1995, Mr Saleth Kebzabo, president of the National Union for Democracy and Renewal (UNDR) was interrogated, then imprisoned in the N'djamena jail after an illegal search of his house had been carried out several days earlier. On 2 March 1996, the

former Prime Minister, Kassire Delwa Coymakoy, currently chief of the National Assembly for Democracy and Progress (VIVA-RNDP) was arrested and detained, and there are serious reasons to fear that this arrest was motivated only by Mr. Coumakoye's peaceful opposition to those in power. Similarly, trade union officials and human rights associations are regularly subjected to acts of intimidation, harassment, attempts at abduction. On 6 January 1995, Mr Beida Soronang, an activist of the LTDH branch at Abeche, was attacked by three men armed with guns who seriously wounded him in the forehead. In May 1995, LTDH officials at Moundou (among them, the president, Dobian Assinger, and the vice-president, Gatou Ley Mian) were victims of an abduction attempt organized by agents of the political police. In September 1995, Mr Abou Laoukours, president of the LTDH branch in the town of Lai was compelled, following threats by the local authorities, to leave that place, and to go to live elsewhere. In October 1995, the president, vice-president and treasurer of the Missela LTDH branch were arrested and detained arbitrarily by the local sub-prefect, for having denounced abuses by the local authorities. On 1 June 1995, the premises of the N'djamena Hebdo (an independent newspaper) were looted by agents of the National Security Agency (ANS) who did not hesitate to molest certain members of staff before taking them to ANS quarters, where they were subjected to physical interrogation.

Phenomenon of insecurity

7. The phenomenon of insecurity continues to get worse, in particular in the regions where armed rebel groups are operating. The population is systematically accused of complicity with the rebels and suffers senseless repression. Inhabitants are held to ransom and their goods are looted; entire villages are destroyed and others have been completely deserted by their population. Moreover, there is a clear upsurge of intercommunity violence, linked to problems over livestock and to conflicts over property, violence which is exacerbated by partisan meddling by the civil and military authorities. Insecurity is further reinforced by road blockers (zaraquina).

Right to justice

8. The development of serious, massive and systematic violations of human rights in Chad is greatly favoured by the persistence of impunity. Impunity itself is linked to the obvious lack of political will to pursue the originators of human rights violations and bring them to justice, and to the fact that the judicial system remains very largely subordinated to the executive power and has very limited room for manoeuvre, since the principle of the separation of powers is not respected. When action is taken against the perpetrators of oppression, it has very little chance of success the ruling power having no hesitation in interfering in the functioning of justice, to prevent the implementation of the courts' decisions. Besides, many threats are made against the magistrates, who are not protected against deleterious changes of, or removal from, office (the principle of life-long security of tenure is violated in the most flagrant way), and who are sometimes subjected to pressure, acts of intimidation and even direct attacks on their life. Thus the president of the Mongo court of justice, Mr. Theophile Alladoum, was assassinated in November 1995, and the substitute of the attorney, Mr Traogra Madjitangue, escaped an assassination attempt in February 1996.

Moreover, many amnesties have been adopted (the last one dates from 10 June 1995), making it impossible to bring to justice the authors of human rights violations, who remain in important posts in the apparatus of the State or of the army.

Status of economic and social rights

9. In spite of the ratification by Chad of the conventions of the International Labour Organization and of the International Covenant on Economic, Social and Cultural Rights, citizens of Chad continue to be mistreated. Owing to large arrears of salaries, strikes have multiplied, particularly in the fields of education and health. Young people cannot follow a normal schooling and are left to themselves, and many sick people die in hospital for lack of adequate care.

Conclusion

10. FIDH and its affiliate LTDH encourage democratic progress, but acknowledge, however, a wide discrepancy between the declared intentions of the ruling power to follow the path of democratization, and practice, which shows many obstacles to the achievement of this process. They deplore that the undertakings of Chad to move towards democracy have not found expression in an improvement in the status of human rights, and that, on the contrary, the responsibility of the authorities and of those charged with the application of the law is undoubtedly at the root of the very much worse human rights situation. They believe that strengthening the surveillance of Chad by the international community is indispensable if the authorities are to make real efforts to achieve a non-violent political alternative and to offer the people the opportunity to emerge once and for all from the long decades of nightmare.

Also, to lead to an improvement in the situation, FIDH and its affiliate LTDH think it is extremely important that the Commission on Human Rights should publicly nominate a special rapporteur on the situation of human rights in Chad, to report back to the Commission in its fifty-third session.